

# MEETING MINUTES

**MILPITAS PLANNING COMMISSION**  
**Milpitas City Hall, Council Chambers**  
**455 E. Calaveras Blvd., Milpitas, CA**

**Wednesday, August 9, 2017**

# I. PLEDGE OF ALLEGIANCE

**Chair Mandal** called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

## II. ROLL CALL/ SEATING OF ALTERNATE

**Present:** Chair Mandal, Vice Chair Madnawat, Commissioners Sandhu, Maglalang, Chua

**Absent:** Ciardella (excused), Morris (excused), Mohsin (excused)  
Alternate Member Chua was seated for voting.

**Staff:** Bradley Misner, Katy Wisinski, Lillian Hua, Michael Fossati, Sarah Fleming

### III. PUBLIC FORUM

**Chair Mandal** invited members of the audience to address the Commission and there were no speakers.

#### IV. APPROVAL OF MEETING MINUTES

**Chair Mandal** called for approval of the July 12, 2017 meeting minutes of the Planning Commission.

**Motion** to approve Planning Commission meeting minutes.

Motion/Second: Commissioner Chua/Commissioner Sandhu

AYES: 5

NOES: 0

ABSTAIN: 0

## V. ANNOUNCEMENTS

Planning Director Bradley Misner welcomed the commissioners back after the short July break, and announced that Lillian Hua recently promoted to an Associate Planner.

## VI. CONFLICT OF INTEREST

**Deputy City Attorney Katy Wisinski** asked if any member of the Commission had any personal or financial conflict of interest related to any of the items on the agenda.

There were no reported conflicts.

## VII. APPROVAL OF AGENDA

**Chair Mandal** asked if staff or Commissioners had changes to the agenda and there were none.

**Motion** to approve the August 9, 2017 agenda as submitted.

Motion/Second: Commissioner Sandhu/Commissioner Chua

AYES: 5

NOES: 0

## VIII. CONSENT CALENDAR

### VIII-1

#### **TASTE GOOD LIQUOR LICENSE – 76 & 82 S. Abel Street – P-UP17-0001:**

A request for a Type 47 (On-sale General for Bona Fide Public Eating Place) Liquor License for an existing restaurant.

**Motion** to Adopt Resolution No. 17-019 approving an amendment to Conditional Use Permit No. 757-A, subject to the attached Conditions of Approval.

Motion/Second: Vice Chair Madnawat/Commissioner Sandhu

AYES: 5

NOES: 0

## IX. PUBLIC HEARING

### IX-1

**NEW COMMERCIAL BUILDING – 0 Hanson Court – P-SD16-0011:** A request to approve a Site Development Permit to allow the construction of a new 34 foot tall, one-story office building on an existing vacant lot located at the southeast end of Hanson Court.

Project Planner Michael Fossati showed a presentation and reviewed the project. He said staff typically does not know future tenants, but it is his understanding that the property is in escrow with the California State Lottery.

Commissioner Chua asked about traffic generation and Mr. Fossati said ITE reviews the size of structures, the proposed use and the amount of traffic generated and this project falls under the traffic threshold.

Chair Mandal said he is happy to see new development in the area and asked how many employees will be located in the building.

Terry Murphy, Deputy Director of Operations for California Lottery, said this office is replacing their Hayward office and although there will be 50-60 employees based out of the office, only about a dozen employees will be there on a daily basis.

Mr. Misner said the Institute of Transportation Engineers (ITE) has one of the most commonly referred to documents for reviewing potential traffic generation. Staff reviewed whether or not there will be any impact in the AM and PM peak travel times and the thresholds were very low for this particular project.

Chair Mandal opened the public hearing and there were no speakers.

**Motion** to close the public hearing.

Motion/Second: Commissioner Sandhu/Commissioner Chua

AYES: 5

NOES: 0

**Motion** to Adopt Resolution No. 17-021 approving Site Development Permit P-SD16-0011, subject to the attached Conditions of Approval.

Motion/Second: Commissioner Chua/Commissioner Sandhu

AYES: 5

NOES: 0

**IX-2**

**GENERAL PLAN/SPECIFIC PLAN/ZONING AMENDMENT - 1992 Tarob Ct., 551 Lundy Pl., 2001 Tarob Ct., 675 Trade Zone Blvd. - P-GP16-0005, P-ST16-0003, P-ZA16-0003; SITE DEVELOPMENT PERMIT/VESTING TENTATIVE MAP/CONDITIONAL USE PERMIT/ENVIRONMENTAL ANALYSIS - 1992 Tarob Ct. - P-SD16-0010, P-MT16-0004, P-UP16-0029, P-EA17-0003:** An application for a General Plan Amendment, Specific Plan Amendment and Zoning Ordinance Amendment to change the land use designations of Industrial/MP to Multi-Family Residential/R3-TOD for 1992 Tarob Court, 551 Lundy Place, 2001 Tarob Court and 675 Trade Zone Blvd. Additionally, the application includes a request for a Site Development Permit, Vesting Tentative Map, Conditional Use Permit and Environmental Analysis to permit the development of 53 residential units on the 2.3 acre site located at 1992 Tarob Ct.

Project Planner Sarah Fleming showed a presentation.

Vice Chair Madnawat asked if the owners of 2001 Tarob and 675 Trade Zone Blvd applied for development permits and Ms. Fleming said they have not and that letters of support were received from all four property owners indicating they are in favor of the land use designation changes.

Vice Chair Madnawat asked how staff ensures that development on adjacent parcels is harmonious to each other. Ms. Fleming said it is the responsibility of staff, who will review the applications against the TASP guidelines and requirements for development to ensure they are consistent and that the architecture works for the area and then will come to the Planning Commission for a recommendation to city council.

Commissioner Maglalang asked if the property owners of the other three parcels will need to apply to rezone and Ms. Fleming said the land use designation change will affect all four parcels.

Commissioner Maglalang worried that allowing parking on the street for this project will set a bad precedence. Ms. Fleming said it can set a precedent which is why applications are reviewed on a case by case basis, and the Planning Commission makes the final recommendation. Mr. Misner does not necessarily see it as precedent setting as staff will evaluate each project based on its own merits and the circumstances of each site as there can be unique and different circumstances on any parcel. If another project were to try to do the same it would be subject to a CUP and approving the CUP for the parking would not necessarily mean it would be the same criteria for the next project.

Commissioner Chua asked if staff has considered permit parking and Ms. Fleming said staff has not but it can be looked at. Mr. Misner said the City Council is concerned with parking issues related to new development and has directed staff to

begin to look at parking from a policy level across the city, with one of the options being a residential permit parking system.

Chair Mandal asked if the street parking will be open spaces or assigned to units. Ms. Fleming said that, as proposed, there will be two designated spaces for each unit, 13 guest spaces on site which will be first come first served, and eight spaces on Lundy, three of which will be for guest parking and not reserved for any unit.

Chair Mandal asked if low income housing is included. Ms. Fleming said there are no low income units in the development but there will be a contribution of 5% of the construction costs, as required, and a community benefit just under \$250,000 to be applied to the City's affordable housing fund.

Vice Chair Madnawat asked if the applicant is paying the public art fee or installing public art and Ms. Fleming said she was unsure as that decision usually comes later in the process.

Applicant Leah Beniston of The True Life Companies showed a presentation, discussed amendments, and reviewed transit oriented development, which puts residents as close to public transportation as possible. She discussed parking and said currently Tarob is industrial and parking is not allowed but it will become a residential street and parking spaces will be created.

Vice Chair Madnawat said small cars are common and suggested the applicant consider compact parking spaces.

Chair Mandal opened the public hearing.

A resident of Milpitas questioned when residents of Milpitas are taken into consideration during the process. She has not spoken to one person who is pleased with multi-unit developments due to the increased traffic, and she is concerned with the lack of schools and quality of life for the people that already live here.

Karl Cortese, owner of 2001 Tarob Ct, asked how the land change from commercial to residential will affect the taxes for his tenant and questioned if taxes would be grandfathered in or increased.

**Motion** to close the public hearing.

Motion/Second: Commissioner Sandhu/Commissioner Chua

AYES: 5

NOES: 0

Vice Chair Madnawat recommended that staff work with the applicant to explore the possibility of compact parking spaces on site suggesting, as an example, that of 17 spaces, 10 be compact and 7 regular sized. Mr. Misner would like to maintain as many visitor spaces at the standard size as possible, but staff will work with the applicant to explore the possibility of bringing compact spaces on site. He added that the concern with residents parking in visitor spaces could be addressed as a condition within the CC&Rs.

Commissioner Maglalang said he is unhappy with the proposed parking spaces on the street. He asked if he could respond to the public speaker's comment and Ms.

Wisinski said the commissioner was welcome to provide an answer on his own behalf and not on behalf of the city. Commissioner Maglalang said the TASP plan is being implemented now but was approved in 2004. He suggested that residents stay involved and contact commissioners about concerns as early as possible.

Commissioner Chua wanted to make a motion to adopt the resolution with Vice Chair Madnawat's amendment.

Ms. Wisinski requested a five minute recess.

Ms. Wisinski said that understanding that Commissioner Chua wishes to make a motion and to ensure that staff has correctly and accurately noted the requested additional condition and perhaps some modified language, staff recommends the following.

With regards to Vice Chair Madnawat's suggestion, staff recommends the inclusion of a condition whereby "all guest parking shall be provided on site with the dimensions of the guest parking spaces to be approved by the planning director." She said this will allow Mr. Misner to work with the applicant and use the planning dimensions in the zoning ordinance as a guide to come up with a configuration that works on site.

The second item is that there has been some talk regarding the development of the Lundy Place frontage of the project and staff recommends a further condition whereby "the development of the Lundy Place frontage of the project site shall conform to the local street development standards in TASP."

Ms. Wisinski informed the commissioners that, because there are a number of absences tonight, two of the items being voted on, the General Plan amendment and the Specific Plan amendment, will require an affirmative vote of all available members. All five of the commissioners present would need to affirmatively vote to approve those items because it is necessary to have an affirmative vote by the majority of the total membership of the body not just the majority of the commissioners present.

Ms. Beniston asked to address the issues and said she is more than happy to be flexible to find space onsite for all guest parking and is sure they can do that with the accommodation of different parking dimensions.

**Motion** to Adopt Resolution No. 17-026, recommending approval of the above applications to the Milpitas City Council, subject to the Conditions of Approval, with the inclusion of the two further conditions read into the record by the City Attorney.

Motion/Second: Commissioner Chua/Vice Chair Madnawat

AYES: 5

NOES: 0

## **X. NEW BUSINESS**

### **NO ITEMS**

## **XI. ADJOURNMENT**

The meeting was adjourned at 9:02 PM.

**Motion** to adjourn to the next meeting.

Motion/Second: Vice Chair Madnawat/Commissioner Sandhu

AYES: 5

NOES: 0

*Meeting Minutes submitted by  
Planning Secretary Elia Escobar*